

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

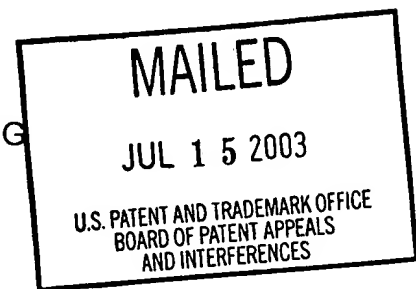
Paper No. 35

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte JIA-HE LI and JIE ZHANG

Appeal No. 2003-1523
Application No. 09/182,645



ORDER REMANDING TO EXAMINER

An Appeal Brief (Paper No. 28) was filed on May 10, 2002, followed by Supplemental Appeal Briefs (Paper Nos. 30 and 32 filed November 7, 2002 and January 30, 2003, respectively). The examiner responded in an Examiner's Answer (Paper No. 33), on April 22, 2003, 2002. On March June 2, 2003, a Docketing Notice was entered by the Board of Patent Appeals and Interferences (Paper No. 34).

On June 30, 2003, counsel's Office spoke with Dianne E. Maggard, Paralegal Specialist with the Board of Patent Appeals and Interferences, indicating that a Reply Brief and Request for Oral Hearing had been submitted on June 23, 2003. Copies of these papers were faxed by Counsel's Office (Paper Nos. 35 and 36). This case is remanded to the examiner for proper consideration of the Reply Brief (Paper No. 35)

Application No. 08/713,288

with respect to compliance with the criteria set forth in 37 CFR § 1.193(b)(1) which states:


(b)(1) . . . The primary examiner must either acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief.

Accordingly, it is

ORDERED that the application is remanded to the Examiner for consideration of the Reply Brief (Paper No. 35), written response to appellants, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



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